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PASHMAN STEIN

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Counsel for Plaintiff,
N.V.E., Inc., and
Third-Party Defendants,
Robert Occhifinto and Walter Orcutt

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

N.V.E., INC.,

Plaintiff,

v.

JESUS J. PALMERONI a/k/a JOSEPH
PALMERONI, RONALD SUMICEK,
SUNBELT MARKETING, ABC
CORPORATIONS 1-10, and JOHN
DOES 1-10,

Defendants.

JESUS J. PALMERONI,

Third-Party Plaintiff,

v.

ROBERT OCCHIFINTO AND WALTER
ORCUTT,

Third-Party Defendants.

CIVIL ACTION NO. 06-5455
(GEB) (ES)

Document Electronically Filed

**CERTIFICATION OF
ELLEN W. SMITH, ESQ.**

I, Ellen W. Smith, Esq., hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and
an associate of Pashman Stein, A Professional Corporation counsel

for plaintiff, N.V.E., Inc. ("NVE") and Third-Party Defendants, Robert Occhifinto and Walter Orcutt in the above-referenced matter. I am fully familiar with the facts alleged herein.

2. Attached hereto as Exhibit 1 is a true copy of plaintiff's proposed Amended Complaint.

3. Attached hereto as Exhibit 2 are true copies of documents produced by defendants Ronald Sumicek and Sunbelt Marketing, bearing Bates Nos. SB2-10,000+0526 to SB2-10,000+0528.

4. Attached hereto as Exhibit 3 is a true copy of a document prepared by Profit Motivators and PMI, bearing Bates No. NVE-PMI-0001.

5. Attached hereto as Exhibit 4 are true copies of Lakeland Bank documents reflecting payments made by Dirk Nieuwenhuis to NRCG.

6. Attached hereto as Exhibit 5 are true copies of Lakeland Bank records reflecting monies deposited into NRCG's account by American Wholesale Distribution, Inc.

7. Attached hereto as Exhibit 6 are true copies of Lakeland Bank records reflecting payments made by Brand New Energy to NRCG.

8. Attached hereto as Exhibit 7 are true copies of Lakeland Bank records reflects payments exchanged between NRCG and VAR Consulting.

9. Attached hereto as Exhibit 8 is a true copy of Bank of America record reflecting a payment from Darren Householder to American Wholesale Distribution, Inc. ("AWD").

10. Attached hereto as Exhibit 9 are true copies of Bank of America records reflecting payments from Brand New Energy to AWD.

11. Attached hereto as Exhibit 10 are true copies of Bank of America records reflecting payments from CB Distributing to AWD.

12. Attached hereto as Exhibit 11 are true copies of Bank of America records reflecting payments from Sessions Specialty Company to AWD.

13. Attached hereto as Exhibit 12 is a true copy of a Bank of America record reflecting a payment from International Sales Group to AWD.

14. Attached hereto as Exhibit 13 are true copies of Bank of America records reflecting payments from International Wholesale Service, Inc. to AWD.

15. Attached hereto as Exhibit 14 is a true copy of a Bank of America record reflecting payment from International Wholesale Supply, Inc. to AWD.

16. Attached hereto as Exhibit 15 is a true copy of a Bank of America record reflecting a payment from Kathleen M. Portz and John J. Portz, Sr. to AWD.

17. Attached hereto as Exhibit 16 are true copies of Bank of America records reflecting payments from Alfredo Felice and Charmaine Felice to AWD.

18. Attached hereto as Exhibit 17 are true copies of Bank of America records reflecting payments from Curtis Beverage Company to AWD.

19. Attached hereto as Exhibit 18 are true copies of Bank of America records reflecting payments from Brand New Energy to VAR Consulting ("VAR").

20. Attached hereto as Exhibit 19 are true copies of Bank of America records reflecting payments from CB Distributing to VAR.

21. Attached hereto as Exhibit 20 is a true copy of a Bank of America record reflecting a payment from Curtis Beverage, LLC to VAR.

22. Attached hereto as Exhibit 21 are true copies of documents produced by Carlos Bengoa, bearing Bates Nos. NVE-CB-0001 to NVE-CB-0031.

23. Attached hereto as Exhibit 22 are true copies of incorporation documents for Palmeroni and Rosarbo's company, Smart World, Inc. dated June 26, 2001.

24. Attached hereto as Exhibit 23 are true copies of 1999 and 2000 orders, correspondence and payment confirmations between NVE and its distributor in The Netherlands, Smart World.

25. Attached hereto as Exhibit 24 is a true copy of Opposition to NVE's Cross-Motion to extend the temporal limits of discovery, filed on November 1, 2010 as Docket No. 154 by Fred Scampato, Esq. and David Rostan, Esq., attorneys for Jesus Palmeroni.

26. Attached hereto as Exhibit 25 are true copies of orders received by NVE for products designated for Smart World Netherlands from 1/21/05 to 4/24/07.

27. Attached hereto as Exhibit 26 are true copies of Fleet Bank and Bank of America bank account records for Smart World Inc. from 12/21/02 through 5/31/06 reflecting international wire transfers to T & J Limited.

28. Attached hereto as Exhibit 27 are true copies of handwritten Smart World payment ledgers received from Sarinelli and Associates, CPAs.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

PASHMAN STEIN
A Professional Corporation
Counsel for Plaintiff,
N.V.E., Inc., and
Third-Party Defendants,
Robert Occhifinto and
Walter Orcutt

Dated: November 22, 2010

By: /s/ Ellen W. Smith
ELLEN W. SMITH